

ORIGINAL

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America )

v. )

Case No. 17 CR 19 (RMB)

RICHARD USHER )*Defendant* )

## APPEARANCE BOND

## Defendant's Agreement

I, RICHARD USHER (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- ( ☒ ) to appear for court proceedings;
- ( ☒ ) if convicted, to surrender to serve a sentence that the court may impose; or
- ( ☒ ) to comply with all conditions set forth in the Order Setting Conditions of Release.

## Type of Bond

- ( ☒ ) (1) This is a personal recognizance bond.
- ( ☐ ) (2) This is an unsecured bond of \$ \_\_\_\_\_.
- ( ☒ ) (3) This is a secured bond of \$ 650,000.00, secured by:
  - ( ☒ ) (a) \$ 130,000.00, in cash deposited with the court.
  - ( ☐ ) (b) the agreement of the defendant and each surety to forfeit the following cash or other property  
(*describe the cash or other property, including claims on it — such as a lien, mortgage, or loan — and attach proof of ownership and value*):

\_\_\_\_\_  
 If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- ( ☐ ) (c) a bail bond with a solvent surety (*attach a copy of the bail bond, or describe it and identify the surety*):

## Forfeiture or Release of the Bond

*Forfeiture of the Bond.* This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11) Appearance Bond

*Release of the Bond.* The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

### Declarations


*Ownership of the Property.* I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

*Acceptance.* I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 7/17/17

  
Defendant's signature **RICHARD USHER**

Surety/property owner –

Surety/property owner – signature and date

Surety/property owner –

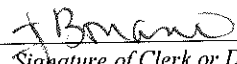
Surety/property owner – signature and date

Surety/property owner –

Surety/property owner – signature and date

CLERK OF COURT

Date: 7/17/17

  
Signature of Clerk or Deputy Clerk

Approved.

Date: 7/17/17

  
AUSA signature **JEFFREY MARTINO**

# UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America  
v.

**RICHARD USHER**

*Defendant*

Case No. **17 CR 19 (RMB)**

## ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: \_\_\_\_\_

*Place*

on \_\_\_\_\_

*Date and Time*

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

**ADDITIONAL CONDITIONS OF RELEASE**

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

☐ (6) The defendant is placed in the custody of:

Person or organization \_\_\_\_\_

Address (only if above is an organization) \_\_\_\_\_

City and state \_\_\_\_\_

Tel. No. \_\_\_\_\_

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: \_\_\_\_\_

Custodian

Date

☒ (7) The defendant must:

☐ (a) submit to supervision by and report for supervision to the \_\_\_\_\_, telephone number \_\_\_\_\_, no later than \_\_\_\_\_.

☐ (b) continue or actively seek employment.

☐ (c) continue or start an education program.

☐ (d) surrender any passport to: \_\_\_\_\_

☐ (e) not obtain a passport or other international travel document.

☐ (f) abide by the following restrictions on personal association, residence, or travel: \_\_\_\_\_

☐ (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: \_\_\_\_\_

☐ (h) get medical or psychiatric treatment: \_\_\_\_\_

☐ (i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling, or the following purposes: \_\_\_\_\_

☐ (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

☐ (k) not possess a firearm, destructive device, or other weapon.

☐ (l) not use alcohol ☐ at all ☐ excessively.

☐ (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

☐ (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

☐ (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

☐ (p) participate in one of the following location restriction programs and comply with its requirements as directed.

☐ (i) **Curfew.** You are restricted to your residence every day ☐ from \_\_\_\_\_ to \_\_\_\_\_, or ☐ as directed by the pretrial services office or supervising officer; or

☐ (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

☐ (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

☐ (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

☐ You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

☐ (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

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**ADDITIONAL CONDITIONS OF RELEASE**

- (☒) (s) THE PURPOSE OF THIS AGREEMENT IS TO MEMORIALIZE THE UNDERSTANDING BETWEEN THE US DEPT OF JUSTICE, ANTITRUST DIVISION AND RICHARD USHER CONCERNING HIS RELEASE ON BAIL IN THE CASE UNITED STATES V. USHER, ET AL. NO. 17 CR 19 (RMB), PENDING IN THE USDC FOR THE SDNY; THE US AND DEFT ACKNOWLEDGE THAT THIS AGREEMENT IS NOT BINDING ON THE COURT OR PRETRIAL SERVICES, WHICH MAY ORDER OR REQUIRE ADDITIONAL OR DIFFERENT TERMS FOR DEFT'S RELEASE ON BAIL; THREE BUSINESS DAYS PRIOR TO HIS INITIAL APPEARANCE BEFORE THE COURT, DEFT WILL EXECUTE THE ATTACHED AFFIDAVIT AND PROVIDE A COPY TO COUNSEL FOR THE UNITED STATES; THE US AND DEFT WILL JOINTLY RECOMMEND TO THE COURT THAT IT RELEASE DEFT ON A \$650,000 BOND WITH \$130,000 CASH PAID AS SECURITY; CASH SECURITY MUST BE POSTED BY CLOSE OF BUSINESS 7/21/17; DEFT MUST SUBMIT TO SUPERVISION BY AND OBEY ALL DIRECTIVES OF THE USDC PRETRIAL SERVICES OFFICE FOR THE SDNY; DEFT MAY NOT TRAVEL OUTSIDE THE UNITED KINGDOM OTHER THAN TO TRAVEL TO THE US FOR AN APPEARANCE BEFORE COURT AND TO ATTORNEY OFFICES; UPON RETURN TO THE UNITED KINGDOM AFTER ANY APPEARANCE BEFORE THE COURT, DEFT MUST SURRENDER HIS PASSPORT TO THE US EMBASSY IN LONDON; DEFT HAS UNTIL 7/31/17 TO SURRENDER HIS PASSPORT TO THE US EMBASSY IN LONDON; DEFT MUST APPEAR PERSONALLY BEFORE THE COURT FOR AN INITIAL APPEARANCE, ARRAIGNMENT, TRIAL, AND AT ANY OTHER TIME AS REQUIRED BY THE COURT; IF CONVICTED, DEFT MUST SURRENDER AS DIRECTED BY THE COURT; IF, WHILE THE DEFT IS WITHIN THE DISTRICT, ANY PERSONAL APPEARANCE BEFORE THE COURT BY THE DEFT IS REQUIRED WITHIN 40 DAYS, DEFT MUST MAKE ARRANGEMENTS TO STAY WITHIN THE US IN THE INTERIM UNDER THE SUPERVISION OF PRETRIAL SERVICES; DEFT MUST RETURN TO THE DISTRICT AT LEAST 30 DAYS BEFORE TRIAL AND UPON ARRIVAL, SURRENDER HIS PASSPORT TO PRETRIAL SERVICES; DEFT MUST NOTIFY THE NEW YORK OFFICE OF THE ANTITRUST DIVISION OF ANY CHANGE IN HIS RESIDENCE OR TELEPHONE NUMBER; DEFT MAY NOT MOVE HIS RESIDENCE FROM THE UNITED KINGDOM WITHOUT PRIOR PERMISSION FROM THE COURT; DEFT MUST NOT VIOLATE ANY FEDERAL, STATE, OR LOCAL LAW; THE US AGREES NOT TO MOVE THE COURT FOR A STAY OF DEFT'S CASE SUCH THAT DEFT'S TRIAL WOULD BE DELAYED INDEFINITELY UNTIL THE FINAL RESOLUTION ON THE MERITS OF ANY REQUEST TO EXTRADITE ONE OR BOTH OF DEFT'S CO-DEFENDANTS FROM THE UNITED KINGDOM; THE ANTITRUST DIVISION MAY MOVE THE COURT FOR A STAY ON ANY OTHER GROUNDS, INCLUDING TO CONSOLIDATE TRIAL SCHEDULES FOR ANY CO-DEFT WHO HAS CONSENTED TO APPEAR IN THE US WITHOUT EXTRADITION CONSENTED TO EXTRADITION OR WAIVED EXTRADITION; THE US AGREES THAT AS OF THE DATE OF FINAL AGREEMENT TO THESE TERMS, IT WILL NOT SEEK TO ADD ANY CHARGES OR COUNTS AGAINST DEFT BASED ON THE CONDUCT CURRENTLY ALLEGED IN THE INDICTMENT IN THE CASE REFERRED OR BASED ON THE FOREIGN EXCHANGE TRADING UNDERTAKEN BY THE DEFT AT JPMORGAN CHASE & CO AND THE ROYAL BANK OF SCOTLAND PLC; THE US REMAINS FREE TO SEEK ADDITIONAL CHARGES OR A SUPERSEDING INDICTMENT FOR ANY OTHER REASON, INCLUDING BUT NOT LIMITED TO, TO ADD CHARGES RELATING TO OBSTRUCTIVE CONDUCT IN CONNECTION WITH THE INVESTIGATION OR PROSECUTION OF THE CONDUCT ALLEGED IN THE INDICTMENT, OR TO SUPPLEMENT, MODIFY, OR REFINES THE ALLEGATIONS CHARGING THE CONSPIRACY IN VIOLATION OF SECTION 1 OF THE SHERMAN ACT CONTAINED IN THE INDICTMENT.
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**ADVICE OF PENALTIES AND SANCTIONS**TO THE DEFENDANT: **RICHARD USHER****17 CR 19 (RMB)**

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.


If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature **RICHARD USHER**

**DEFENDANT RELEASED**

City and State

**Directions to the United States Marshal**

- ( ☒ ) The defendant is ORDERED released after processing.
- ( ☒ ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 7/17/17

Judicial Officer's Signature

Printed name and title



DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL



**Richard Usher – Bail Terms Agreement**

ORIGINAL

As Revised July 12, 2017

1. The purpose of this agreement is to memorialize the understanding between the U.S. Department of Justice, Antitrust Division ("United States") and Richard Usher ("Defendant") concerning his release on bail in the case entitled United States v. Usher, et al., No. 17-cr-19 (RMB), pending in the United States District Court for the Southern District of New York. The United States and Defendant acknowledge that this agreement is not binding on the Court or Pretrial Services, which may order or require additional or different terms for Defendant's release on bail.
2. Three business days prior to his initial appearance before the Court, Defendant will execute the attached Affidavit and provide a copy to counsel for the United States.
3. The United States and Defendant will jointly recommend to the Court that it release Defendant on a \$650,000 bond with \$130,000 cash paid as security, as directed by the Court. *Cash security must be posted by close of business 7-21-17.* RMB
4. Defendant must submit to supervision by and obey all directives of the United States District Court Pretrial Services Office ("Pretrial Services") for the Southern District of New York ("the District").
5. Defendant may not travel outside the United Kingdom other than to travel to the United States for an appearance before the Court in the above-referenced case. *Upon return to the United Kingdom after any appearance before the Court, Defendant must surrender his passport to the U.S. Embassy in London. Defendant has until 7-31-17 to surrender his passport to the U.S. Embassy in London.* *and to a Horneys' office.* RMB
6. Defendant must appear personally before the Court for an initial appearance, arraignment, trial, and at any other time as required by the Court. If convicted, Defendant must surrender as directed by the Court. If, while the Defendant is within the District, any personal appearance before the Court by the Defendant is required within 40 days, Defendant must make arrangements to stay within the United States in the interim under the supervision of Pretrial Services.
7. Defendant must return to the District at least 30 days before trial and, upon arrival, surrender his passport to Pretrial Services.
8. Defendant must notify the New York Office of the Antitrust Division of any change in his residence or telephone number. Defendant may not move his residence from the United Kingdom without prior permission from the Court.
9. Defendant must not violate any federal, state, or local law.
10. The United States agrees not to move the Court for a stay of Defendant's case such that Defendant's trial would be delayed indefinitely until the final resolution on the merits of



any request to extradite one or both of Defendant's co-defendants from the United Kingdom. The Antitrust Division may move the Court for a stay on any other grounds, including to consolidate trial schedules for any co-defendant who has consented to appear in the U.S. without extradition, consented to extradition, or waived extradition.

11. The United States agrees that, as of the date of final agreement to these terms, it will not seek to add any charges or counts against Defendant based on the conduct currently alleged in the indictment in the case referenced above ("Indictment") or based on the foreign exchange trading undertaken by the Defendant at JPMorgan Chase & Co. and The Royal Bank of Scotland PLC. The United States remains free to seek additional charges or a superseding indictment for any other reason, including but not limited to, to add charges relating to obstructive conduct in connection with the investigation or prosecution of the conduct alleged in the Indictment, or to supplement, modify, or refine the allegations charging the conspiracy in violation of Section 1 of the Sherman Act contained in the Indictment.

AGREED:

FOR RICHARD USHER:

Date:

7/12/17

By:



Michael Kendall  
Andrew Tomback  
Yakov Malkiel  
White & Case LLP  
Attorneys for Richard Usher

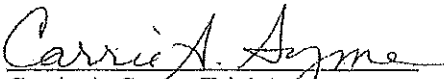
FOR THE DEPARTMENT OF JUSTICE, ANTITRUST DIVISION:

JEFFREY D. MARTINO  
Chief, New York Office  
Antitrust Division  
United States Department of Justice

Date:

07/12/17

By:



Carrie A. Syme, Trial Attorney  
David Chu, Trial Attorney  
Leah Gould, Trial Attorney  
Bryan Serino, Trial Attorney

SO ORDERED

  
RICHARD M. BERMAN, U.S.D.J.

7/17/17

Generated: Jul 18, 2017 2:38:17 PM

## Collections Information Repository (CIR)

## Fedwire Download Report

Message Summary: 1707170402061

Type/ Sub-Type	Agency Account ID	Cash Flow ID	Cash Flow Name	Financial Transaction Type	Settlement Date	Credit Ind	Message Amount	Trace Number
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		MSG-STATUS-IND	N
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		ACCEPTANCE-APPL-ID	FT01
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		OUTPUT-DESTINATION-ID	MMQFMP60
		OUTPUT-SEQUENCE-NUMBER	001875
		OUTPUT-DATE	0717
		OUTPUT-TIME	1543
		OUTPUT-FRB-APPL-ID	FT01
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		INPUT-SEQUENCE-NUMBER	031473
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		RECEIVER-SHORT-NAME	TREAS NYC
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		BENEFICIARY-NAME	TREASURY NEW YORK CITY
5000	ORIGINATOR	ORIGINATOR-ID-CODE	D
		ORIGINATOR-IDENTIFIER	004998754727
		ORIGINATOR-NAME	WHITE CASE LLP IOLA
		ORIGINATOR-ADDRESS-LINE1	1155 AVENUE OF THE AMERICAS NEW YOR
		ORIGINATOR-ADDRESS-LINE2	K NY 100362711
5100	ORIGINATOR-FI	ORIGINATOR-FI-ID-CODE	D
		ORIGINATOR-FI-NAME	CITIBANK NA NYBD CITICORP DATA SYS
		ORIGINATOR-FI-ADDRESS-LINE1	111 SYLVAN AVE 1ST FLOOR
		ORIGINATOR-FI-ADDRESS-LINE2	ENGLEWOOD CLIFFS NJ 07632 1514
5200	INSTRUCTING-FI	INSTRUCTING-FI-NAME	CITIBANK N A RETAIL WIRE SETTLEMENT
6000	ORIGINATOR-TO-BENEFICIARY-INFO	ORIGINATOR-TO-BENEFICIARY-LINE1	DOCKET : 1:17-CR-00019-RMB
		ORIGINATOR-TO-BENEFICIARY-LINE2	DEFENDANT: RICHARD USHER
		ORIGINATOR-TO-BENEFICIARY-LINE3	LAW FIRM: WHITE CASE LLP

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## Collections Information Repository (CIR)

## Fedwire Download Report

6400	BENEFICIARY-INFO	BENEFICIARY-INFO-LINE1	WHITE CASE LLP IOLA ATTORN
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Reported Classification(s)

Key Class Name	Key Class Value	Tax Class Code	Credit Ind	Classification Total Amount
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